

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11811 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No.91 of 2000 on the file of the 2nd respondent-Labour Court and quash the order dated 16.12.2002 passed therein holding it as illegal and arbitrary.

Heard Sri K. Harinath, learned standing counsel for petitioner and learned counsel for the 1st respondent-workman.

It has been contended by the petitioner corporation that the 1st respondent workman was engaged as Conductor on daily wage basis in the corporation on 15.09.1988. While he was discharging his duties on 27.06.1998 the checking officials conducted a check and found that he had indulged in cash and ticket irregularities. After initiating disciplinary proceedings and conducting a regular enquiry, the 1st respondent was removed from service vide orders dated 16.11.1998. Thereafter, the 1st respondent moved an application in M.P.No.91 of 2000 on the file of the 2nd respondent-Labour Court claiming a sum of Rs.13,297/- as wages from 27.06.1998 to 16.11.1998. The Labour Court, on an erroneous view of the matter, held that the 1st respondent is entitled to wages for the period he was put off duty and directed both the parties to file calculation memos and, accordingly, memos were filed and the Labour Court vide order dated 16.12.2002 determined the amount due as Rs.10,347/- and directed the

corporation to pay the same to the 1st respondent. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the order in favour of the 1st respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the order in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition.

Therefore, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

5th November, 2018
cbs

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Writ Petition No.11811 of 2003
(dismissed)

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